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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,669	09/20/2006	Timo J. Heikkinen	800.0111.U1(US)	2797
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HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER NGO, CHUONG A	
			ART UNIT	PAPER NUMBER
			2617	
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			11/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,669	Applicant(s) HEIKKINEN ET AL.	
	Examiner CHUONG A. NGO	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on August 24, 2010. In virtue of this communication, claims 26-49 are currently presented in the instant application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2010 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 26-49 have been considered but are moot in view of the new grounds of rejection.

Information Disclosure Statement

4. The information Disclosure Statement (IDS) Form PTO-1449, filed on August 24, 2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Objections

5. Claims 26, 31, 32, 37, 38, 43, 44, 46, 49 objected to because of the following informalities:

Claims 26, 31, 32, 37, 38, 43, 44, 46, 49 recites the limitation "**if** the received data message is determined to contain the predetermined code and to be valid", yet no limitation is provided **if** "the received data message is determined **not** contain the predetermined code **or not** valid". This issue is raised because the "if" conditional, by its very nature, exhibits alternative steps in the event the "if" conditional fails; the alternative step(s) may, or may not, be limited to not performed any step(s). The meets and bounds of the claim have not been clearly established. To remediate this issue, applicant must remove the conditional or include the alternative step(s) when the conditional fails.

Suggest replace "if" with "when" to indicate that the condition will be encountered (positive active step) verses the usage of "if" that in does not imply a positive active step since the usage of "if" does not imply that the condition will ever be encountered. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26-29, 31-35, 37-41, 43, 44, 46, 47, 49 are rejected under 35 U.S.C.

103(a) as being unpatentable over US Patent Application Publication

20020137530 (hereinafter Carve) in view of US Patent Application Publication

20030055906 (hereinafter Pack ham).

Consider claims 26, 32, 44 Carve discloses a method, comprising:

receiving, at a first wireless communication device (see ¶ [0006] “SMS provides the capability to send and receive text messages to and from mobile telephones”), a data message through a communication network (see ¶ [0006] “send and receive text messages to and from mobile telephones”), the received data message being sent from another communication device (see ¶ [0028] “the telephone 10 is capable of receiving a SMS short message”);

Carve discloses examining the received data message to detect a presence of a predetermined code and to also determine if the received data message is a valid data message (see ¶ [0030], Fig. 3, “steps begins with the telephone 10 receiving a short message as indicated at step 30” and also see ¶ [0034] “Referring now to FIG. 4, a flow diagram of a sequence of steps of set up options of the call forwarding feature is shown”, in Fig. 3, “At step 34, the program code of the present invention offers a plurality of options to the user” this will understood by those of ordinary skill in the would require to examine the message and validate the message); and

Carve discloses if the received data message is determined to contain the predetermined code and to be valid (see ¶ [0034], “automatic message forwarding is activated, messages received by the telephone 10 are forwarded in accordance with the selected automatic forwarding option”, and in addition see ¶ [0038], “short messages could be forwarded with or without saving the short message in a memory resident in the mobile phone and the short messages could be forwarded with or without displaying the message in the mobile phone”), activating divert set-up program code in the first wireless communication device to send a data message (see ¶ [0032], “At step 42, a list of forwarding addresses is displayed on the display 12. The list includes phone numbers previously added to the list by the user. The user may scroll through the list and at step 44 select one or more of the numbers. Step 44 also allows the user to add one or more new numbers to the list. After the user has selected or specified the phone numbers to which the message is to be forwarded, step 46 is executed. At step 46, the short message is sent via the SMS center to the selected destinations”).

Carve disclose all subject matters of the claimed invention concept. However, Carve does not particularly disclose activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network so as to activate the divert facility to divert future calls made to the first wireless communication device at least to the another communication device. In an analogous field of endeavor, attention is

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directed to Pack ham, which teaches activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network so as to activate the divert facility to divert future calls made to the first wireless communication device at least to the another communication device (see ¶ [0010]-[0016], and also see claim 1, “sending a control signal from the first terminal to routing circuitry indicating that text messages intended for the first terminal are to be forwarded to the second terminal, text messages being forwarded to the second terminal in consequence”, and claim 7 “a first terminal, and routing circuitry for forwarding text messages intended for the first terminal to a second terminal, the routing circuitry being responsive to a control signal from the first terminal indicating that text message forwarding to the second terminal is to be enable”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine the Carve disclosed invention, and have a function to activate divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network so as to activate the divert facility to divert future calls made to the first wireless communication device at least to the another communication device, as taught by Pack ham, thereby, to provides a method comprising sending a control signal from the first terminal to routing circuitry indicating that text messages intended for the first terminal are to be forwarded to

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the second terminal, text messages being forwarded to the second terminal in consequence, as discussed by Pack ham, (see ¶ [0004]).

Consider claims 27, 33, Pack ham teaches another communication device is a second wireless communication device (see Fig. 1, terminal 2 or terminal 3).

Consider claims 28, 34, Carve discloses the received data message is a short message service message, and where the second wireless communication device to which future calls are to be diverted is identified from a content of the short message service message, where the content comprises an identifier of the second wireless communication device (see ¶ [0028], "Address field denoting the final recipient of the short message, and the Originating Address, which is the address of the sender of the short message. The short message is sent from a mobile telephone or other device to an SMS Center").

Consider claims 29, 35, Carve discloses where the identifier is an international mobile subscriber identification (see ¶ [0009]).

Consider claims 31, 37, 43, 46, 49 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

Consider claims 38-41 are drawn to the apparatus corresponding to the method of using same as claimed in claims 26-29. Therefore apparatus claims 38-41 correspond to method claims 26-29, and are rejected for the same reasons of obviousness as used above.

Consider claim 47 is drawn to the apparatus corresponding to the method of using same as claimed in claim 44. Therefore apparatus claim 47 corresponds

to method claim 44, and is rejected for the same reasons of obviousness as used above.

8. Claims 30, 36, 42, 46, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 20020137530 (hereinafter Carve) in view of US Patent Application Publication 20030055906 (hereinafter Packham) and further in view of US Patent Application Publication 20050037762 (hereinafter Gurbani).

Consider claims 30, 36, 46 Carve and Packham disclose all the subject matters of the claimed invention concept. However, Karve and Packham does not particularly disclose the message indicates a success or a failure of the set-up of the divert facility to divert future calls made to the first wireless communication device. In an analogous field of endeavor, attention is directed to Gurbani, which teaches the message indicates a success or a failure of the set-up of the divert facility to divert future calls made to the first wireless communication device (see ¶ [0026], “the connection and transmission module 208 also queries the wireless interface module 206 to determine the status of the telephone 104B”. Therefore, it obvious to one of ordinary skill in the art would have status indication for any type of network transmission status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine the Karve and Packham disclosed inventions, and have the message indicates a success or a failure of the set-up

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of the divert facility to divert future calls made to the first wireless communication device , as taught by Gurbani, thereby, to provide a method to allow a user to be instantly alerted to messages that are received, as discussed by Gurbani, (see ¶ [0004]-[0006]).

Consider claim 42, 49 are drawn to the apparatus corresponding to the method of using same as claimed in claim 30. Therefore apparatus claims 42, 49 correspond to method claim 30, and are rejected for the same reasons of obviousness as used above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHUONG A NGO/
Examiner, Art Unit 2617

/HUY PHAN/
Primary Examiner, Art Unit 2617